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Maine Workers' Compensation Board

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Newsletter from the Office of Monitoring, Audit and Enforcement Maine Workers' Compensation Board

Spring 2011

Volume 7, Number 1



Paul H. Sighinolfi
Executive Director/Chair

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New Executive Director/Chair of the Board

Paul H. Sighinolfi was sworn in on March 1, 2011 as Executive Director/Chair of the Maine Workers' Compensation Board (Board). Prior to this appointment, Mr. Sighinolfi led Rudman & Winchell's workers' compensation practice group where he worked for nearly thirty years. Mr. Sighinolfi co-authored *Maine Employment Guide: Workers' Compensation*. In addition, the Maine Supreme Judicial Court appointed him to a three-year term on the Board of Overseers of the Bar in November 2002. He was reappointed for a second three-year term in 2005 where he served as the Chair of the Board.

Governor Paul LePage said, "I look forward to working with Paul. Paul is an experienced attorney who has a thorough understanding of workers' compensation issues which will benefit employees and employers of the State and I am pleased to have him on board."

The general mission of the Board is to serve the employees and employers of the State fairly and expeditiously by ensuring compliance with the workers' compensation laws, ensuring the prompt delivery of benefits legally due, promoting the prevention of disputes, utilizing dispute resolution to reduce litigation and facilitating labor-management cooperation.

Board Rules and Regulations Chapters 3 § 1 and 8 §§ (11), (15) & (18) Effective 12-27-10

Per the basis statement, these rules:

- Change the standard for defining a day of lost time for purposes of filing First Reports from one that is based on lost hours to one that is based on lost wages;
- State that unilateral reductions of benefits pursuant to §205(9)(A) must be based on actual earnings unless the employee returns to work with no restrictions imposed by the employee's treating health care provider;
- Define when and how offsets may be taken pursuant to §205(9)(B) when an employee returns to work for a different employer;
- Prohibit the use of the Consent Between Employee and Employer form to discontinue or reduce benefits on a date subsequent to the date the form is signed.

At the public hearing in October, Martha Mayo, former Executive Director of the Maine Workers' Compensation Coordinating Council, complimented the Board for having developed these rules through a consensus-based group. She said, "This is an excellent way to proceed. You enlisted all sides of the discussion and came up with what I feel are reasonable rules, and we support them."

The current rules are available on the Board's website. In addition, the Board's Forms and Petitions Manual has been updated to incorporate these new rules. This too is available on the Board's website.

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Looking to Increase Your MOP Filing Compliance?

Keep an Eye Out for Days Mail Did Not Move! Mail did not move on the following dates: January 14 and 17, February 21 and 22, and March 18 due to holidays and mandated State shutdowns. If you had a MOP that appears late on your quarterly report due to the mail not moving, get in touch with your Monitoring Division contact to rebut the timeliness of the MOP. Unsure of your contact? If so, contact Anne Poulin.

Keep an Eye Out for Non-Consecutive Incapacity! Review the MOP column of the Detailed Claim Section of your quarterly report. A date on the top with a compliance number below followed by an "NC" indicates that there is a non-consecutive period of incapacity, i.e. the employee returned to work within the waiting period and the claim was subsequently compensable.

An "NC" MOP filing that appears late may actually be timely based on the employer's notice or knowledge of the subsequent period of incapacity. It may also appear late due to the Date of Incapacity (box 23) reported on the initial MOP. As a reminder, this box should always mirror the Date of Incapacity (box 43/DN56) and Notice of Incapacity (box 43/DN281) reported on the First Report. Whenever the incapacity prior to the "First Day of Compensability After Waiting Period is Met" (box 28 of the MOP) is "broken" (due to non-consecutive hours/wages/days lost), the "Comments" box (box 30 of the MOP) should be used to describe/explain this "broken" incapacity.

If you had a MOP that appears late on your quarterly report due to one of these "NC" codes, get in touch with your Monitoring Division contact to rebut the timeliness of the MOP. Unsure of your contact? If so, contact Anne Poulin.

Lastly, if you see one of these "NC" codes on your report and the incapacity was not "broken", this may be due to an erroneous RTW date within the waiting period (box 43/DN68) reported on the First Report. As a reminder, it is only necessary to report the RTW date on the First Report when an employee loses a day or more from work that does not result in the filing of a Memorandum of Payment or a Notice of Controversy. When days lost is less than or equal to 7 days, the employer/insurer shall notify the Board of the first date on which the employee actually returned to work by filing an 02 First Report using the IAIABC Claims Release 3 format (if the date was not included on the original First Report). See Board Rules and Regulations Chapter 8 § 16.

Summer Training Sessions

The MAE Program's summer open training sessions will take place on **June 23-24, 2011** in the Department of Agriculture's third floor conference room located in the Deering Building (90 Blossom Lane) on the State's Augusta East Side Campus. (This is the same building where the Workers' Compensation Board's Central Office is located.) The June 23rd session will present the Basic Compliance program that includes basic forms and payment compliance training. The June 24th session will present the Advanced Compliance program that includes AWW and partial benefit calculation training followed by a group case study. To sign up for one or more of these sessions, or if your company is in need of personalized training on form filing or other compliance issues, contact Anne Poulin.

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From the Office of Information Services

Important Reminder regarding EDI Acknowledgement Reports

For every EDI file that is sent to the WCB, an acknowledgement ("AKC") report confirming receipt of the file is sent back. The AKC report contains information regarding each specific filing within the batch indicating whether each transaction was accepted ("TA"), accepted with errors ("TE") or rejected ("TR") completely. A "TE" occurs when the transaction is missing an expected field or an expected conditional field and a correction is expected on that claim.

If you receive a "TE" on your AKC report, you must submit a correction by sending a "CO" transaction using the jurisdiction claim number provided in your AKC report. **Please note that sending a "02" (Change) transaction rather than a "CO" (Correction) transaction on a claim that received a "TE", will not correct the error(s).**

Other useful information such as population restrictions, value table, technical rules and business scenarios can be found on the website. You will find a link for frequently asked questions about EDI claims and a master list of errors, which includes WCB and IAIABC error numbers, DN's and IAIABC and WCB descriptions of the errors. The Element Requirement Table, Edit Matrix and Event Table are available on the website as well. If you have questions, please contact Paul Fortier at (207) 287-3818 or Paul.Fortier@Maine.Gov.

Proof of Coverage Update

Effective May 1, 2011, the Board will no longer accept a POC Notice, previously referred to as a Binder, as Proof of Coverage (POC). POC Notices are used to report proof of coverage when a full policy cannot be reported within the timeframe mandated by a jurisdiction.

Insurers will be required to report the full policy as proof of coverage within 14 days after the policy effective date. However, the Board will not apply penalties if the policy is received within 30 days after the policy effective date. The Board is considering amending its rule to require that proof of coverage be filed within 30 days after policy effective date.

If you have questions, please contact one of the following:

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